

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

CSX TRANSPORTATION, INC.,  
individually and on behalf of NORFOLK  
& PORTSMOUTH BELT LINE  
RAILROAD COMPANY,

Plaintiff,

v.

Civil Action No. 2:18-cv-530-MSD-RJK

NORFOLK SOUTHERN RAILWAY  
COMPANY, *et al.*,

Defendants.

\_\_\_\_\_ /

**CSX TRANSPORTATION INC.'S NOTICE OF ORDER**

Plaintiff CSX Transportation, Inc. ("CSX"), hereby notifies the Court of the Order of the United States Court of Appeals for the District of Columbia Circuit, dated December 15, 2022. The D.C. Circuit has referred the Respondent Surface Transportation Board and Intervenor CSX's motions to dismiss to the merits panel, and has set an expedited briefing schedule, beginning on January 13, 2023, and ending on March 15, 2023. Oral argument will be held after briefing is complete. A copy of the Order is attached here as **Exhibit 1**.

Dated: December 15, 2022

Respectfully submitted,

**CSX TRANSPORTATION, INC.**  
*By Counsel*

/s/ Benjamin L. Hatch

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**CERTIFICATE OF SERVICE**

I certify that on this 15th day of December, 2022, a true and correct copy of the foregoing was served on all counsel of record via Notice of Electronic Filing by filing with the Court's CM/ECF system.

/s/ Benjamin L. Hatch

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